

October 2, 2008

Meeting began at 8:03 p.m.

Present: Bill Muse, Mayor; Dennis Bertucci, Gladys LeFevre, Wendell Roundy, Councilmembers; Judi Davis, Clerk; Ashley Coombs, Daniel Reeder, Steve Lowder, Mark Nelson, Don Montoya, Sergio Femenias.

Pledge of allegiance

Dennis made a motion we accept the minutes of the meeting held September 4 as presented. Wendell seconded the motion. Voting in favor were Bill, Dennis, and Wendell. Gladys was not at the September 4 meeting and abstained from voting.

Dennis made a motion we accept the minutes of the meeting held September 18 as presented. Because neither Gladys nor Wendell was at that meeting, there was not a quorum to vote, so the motion will be made at the next meeting.

Bill appointed Mike Nelson to fill a second term on the Planning Commission. The appointment was approved by the Council.

The Post Office contract is available, and people who are interested in bidding on the contract are encouraged to contact Pat Gonder at the Escalante Post Office (826-4314) by October 10. If there are no acceptable bids, the Post Office will be removed from Boulder. Please encourage anyone who may be interested to act now.

Mark reported on his latest communications with Lou Brown on the SITLA issue. They want clarification of some of the information in a few of the proposals. They are pursuing the proposal of Chris Robinson and Brock LeBaron and are not considering the Town's proposal. Jack Lyman had expressed an interest in being notified if the Town's proposal was not accepted. Gibbs made a proposal that he would support the Town's position but also expressed a desire to be notified if it wasn't accepted. Bill called Mr. Brown just before their September 4 meeting, at which time Gibbs had made two proposals. Lou said that Gibbs has made only one to this point. Mark asked what the Robinson-LeBaron proposal was, to which Mr. Brown's reply was vague, but he did state that it is a partial development-conservation easement (to be done with conservation funds) proposal. Their proposal includes the entire parcel.

Mark asked him about the appraisal, but they still won't reveal it. They had told us we could be involved in the planning, but Robinson-LeBaron haven't involved us. SITLA will involve us after they make their decision. We could have Marvin write a letter

asking formally where we are now. We can tell them what we understand and ask to be involved. Mark thinks that, if they are seeking conservation funds, we should be involved, especially regarding access, use, etc. They are ignoring us. We'd like to be included. We might be able to work with them if we can protect the parts we want protected. Mark is suspicious of the way it's being handled. We need the facts of the proposal. We may need to go to the press. Mr. Brown said this will not be a quick project and that it will take time to work out. Sergio would like to see written documentation of all our dealings with SITLA. Mark is reporting telephone information, and Sergio would like the information to be in writing.

The Council reviewed the Capital Improvements List. Bill proposed that we drop the sprinkler and drip system from the list, as they have already been funded, and keep the restoration of the Town Hall in the one-year priority spot. We will leave the others as they are, both in position and in figures. There was unanimous support for this proposal.

Don read his letter to the Council regarding airplanes. He questioned whether John Austin has followed the steps to have a landing strip that is approved by the FAA. He is concerned about safety issues—canyon winds, lights, fuel storage, etc. Dennis stated that we haven't talked to him and it is unfair to make any assumptions. Don replied that a landing strip is not in the Zoning Ordinance Table of Uses and, therefore, isn't an allowed use. Dennis talked to Jacque Smalley, who asked that anyone who has concerns please talk to them. Marvin's telephoned advice is that the FAA probably preempts anything we could do and also recommended that we begin by talking to John as neighbors. Don still questions whether the use is legal.

Bill read John's letter of response. Bill stated that safety and legal issues are not addressed and suggested that we invite him to our next meeting and bring up all concerns at that time. We could also invite the FAA to inspect his operation. We need to see what is legal. Don questioned, as Boulder grows, what precludes others from putting in their own airstrips? We should be proactive by passing an ordinance regulating aircraft. Mark feels we should talk to our planner and the County planner, as it is a planning issue. Dennis reported that the Lodge does not advertise that people buzz them if they want to be picked up. This was a statement that was found in one magazine, but it is not their policy. Wendell feels this is a planning issue and that maybe we do need to look to the future as he is aware of one other possible airstrip planned for the not-too-distant future.

Steve stated that the FAA controls airspace. Many towns don't allow landing in town; this is a land use issue. Bill suggested that we have Marvin invite the FAA down, check things out, and give us a written report. He also agrees that it is a land-use issue, and maybe we don't want five airstrips in town. Dennis asked that, if anyone has a problem with John himself, they please talk to him. He wants to be legal and a good neighbor.

The Council will plan to address the proposed revisions to the General Plan in December. The public hearing has already been held. Council members should come prepared to discuss and adopt it then. Mark Nelson had some concerns on wording found on p. 2, which states that the Plan should allow for "flexibility." He feels that is not a good planning word, as it leaves too much to interpretation. He is also concerned about an issue presented on p. 6, where it states that most of the growth should be around the town center. He questioned who decided that growth and the concentration of growth should be focused around the town center and wondered if it is a good idea. He feels it doesn't reflect what was once considered wise. He said the Planning Commission is going to work on that at their next meeting.

Council meeting will begin at 7:00 in November because Daylight Savings Time will have ended.

Citizens and Council are also advised that they can go to [pmn.utah.gov](http://pmn.utah.gov) to find notices and agendas of our meetings. This is a statewide (pmn=public meeting notice) website. Anyone can go to it and subscribe, asking that they be notified by email of any notices posted by any public entity. We are set up to notice meetings of the Town Council, Planning Commission, and Board of Adjustment.

In the report on roads, the Mayor stated that he had talked to Curtis Oberhansly about the concerns regarding the fence bordering the road leading to the Winovitches and to Marc Jepsen's. Curtis didn't realize there was a problem and will work to solve it. This may involve just relocating a portion of the fence, but he will make sure the problem is fixed.

There were no building permits issued in September.

Gladys reported that Keith Gailey has completed his book on the cemetery and has everything on the computer. She has talked to Farlan, who made some suggestions about the platting of the remainder of the cemetery. She will get together with Sergio soon.

Dennis will leave October 7 to pick up the new fire truck and should be back the 10<sup>th</sup> or 11<sup>th</sup>. They are working with Chuck on the small truck. We need to decide what to do with the old truck. After consulting with the rest of the Fire Department personnel, Pete will make a recommendation to the Council, who will make the final decision. They plan to take some parts and equipment off the old truck and put on the new truck. Pete will make a wish list of the things they still need which can be purchased with the remainder of the money budgeted for the new truck but not spent.

Gladys made a motion the Council adjourn to executive session to discuss litigation. Dennis seconded the motion. The vote was as follows: Wendell - aye; Gladys - Aye;

Meeting held October 2, 2008  
Page 4

Dennis - Aye; Bill - Aye. Open session was suspended at 9:50 p.m. and resumed at 10:51 p.m.

Gladys made a motion open meeting resume. Dennis seconded the motion. The vote was as follows: Wendell - Aye; Gladys - Aye; Dennis - Aye; Bill - Aye.

Gladys made a motion the meeting adjourn. Dennis seconded the motion. The vote was unanimous.

The meeting adjourned at 10:53 p.m.

---

Minutes prepared by Judith Davis, Town Clerk

---

Approved by Bill Muse, Mayor